

REMARKS

I. Status of the Application

Claims 1 and 3-22 are pending in the subject application and stand rejected. Claims 2, 4 and 5 have been canceled without disclaimer or prejudice. In the present Amendment, claims 1, 10 and 15 have been amended in accordance with the revised format as set forth in 37 CFR 1.121.

II. Claim Rejections Under 35 U.S.C. § 103

Claims 1, 3-6 and 10-14 were rejected under 35 U.S.C. §103(a) as being unpatentable over Rosan, Sr. et al. in view of U.S. Patent No. 3,073,206 to Rudolph ("Rudolph"). In particular, the Official Action provided:

Rosan, Sr. et al. discloses a cable support apparatus with a body portion (14) and a substantially planar head portion (16) with a first surface that is integrally attached to the body portion. There is a passageway extending through the body and head portion, and there is a spiral thread on an exterior surface of the body portion. There is also a second surface (any one of the six sides of the head 16) that intersects the first surface and is substantially smooth.

Rosan, Sr. et al. does not disclose a pair of holes on the head of the cable support and an installation tool with engagement projections protruding therefrom corresponding to the holes, whereby a rotational force is applied with the tool on the bushing to cause the bushing to be screwed into a hole in a wall. Rudolph discloses a screw (10) with a body portion that has an exterior surface with threads and a head portion (16). The head portion has installation formations in the form of a pair of diametrically opposed holes (18). The screw can be screwed into a wall by using an installation tool (20) with engagement protrusions (22) and providing a rotational force on the screw, thereby allowing the screw to be rotated in either direction. It would have been obvious to one of ordinary skill in the art at the time of the present invention to have provided a head portion on the cable support apparatus taught by Rosan, Sr. et al. such as the head portion taught by Rudolph for the purpose of providing a simplified means to secure the apparatus into a structure through rotation of an appropriate installation tool.

Official Action, pages 2-3.

Applicant respectfully submits that Rosan, Sr. et al. **clearly teaches away from the use of a special installation tool.** Notably, Rosan, Sr. et al. provides:

The present invention **has for an important object** a provision wherein a passage for communicating through a structure, particularly a wall, can be simply formed by a self-boring bushing - **without the need for special operating tools.**

Column 2, lines 14-18 of Rosan, Sr. et al. (emphasis added). Rosan, Sr. et al. further provides:

...the present invention has been provided wherein the self-boring bushing 10 comprises a stud-like body 14 having a multi-sided head 16, herein shown as having a hexagonal configuration. Thus, **any suitable wrench or wrench socket can be accommodated thereby.**

Column 3, lines 8-14 of Rosan, Sr. et al. (emphasis added). The *Manual of Patent Examining Procedure* ("MPEP") provides that "[w]here the teachings of the prior art conflict, the examiner must weigh the suggestive power of the each reference." *Id.* Rosan teaches that the self-boring bushing device is designed to be installed without the need for special tools.

Conversely, a special adapter tool is required to apply the hood of Rudolph. See column 2, lines 29-42 of Rudolph. Thus, a special adapter that has pins suitable for mating with holes in the hood member must be carried by the installer to use the Rudolph fastener arrangement. Applicant submits that the requirement of such a special adapter clearly teaches away from a device that has as an "important object" the ability to be installed "without the need for special operating tools". **The Examiner cannot ignore this significant teaching away.**

Moreover, independent claims 1 and 10 have been amended to clarify that the apparatus includes an installation tool that has an arcuate body portion. As can be seen in Figure 9 of the subject application as originally filed, such arrangement permits the tool to be used when the cable extends through the apparatus. Conversely, the tool of Rudolph does not have an arcuate body portion. As can be seen in Figure 4 of Rudolph, the adapter (19) comprises a block that has a passage shaped to receive a wrench. Rudolph provides:

By applying the adapter to the top of the assembled screw of FIG. 1 and registering the pins 22 in the openings 18 in the hood may be turned by means of the wrench 20.

Rudolph, column 2, lines 40-43. As can be seen in Figure 4 of Rudolph, the adapter/wrench combination could not be used if a cable was protruding out of the bushing of Rosan, Sr. et al. Section 2143.01 of the MPEP also provides that:

**THE PROPOSED MODIFICATION CANNOT RENDER THE PRIOR ART
UNSATISFACTORY FOR ITS INTENDED PURPOSE**

MPEP § 2143.01 (emphasis in original). Thus, for this reason, in addition to the foregoing reasons, a *prima facie* case of obviousness has not been established. Also, as indicated above, the Official Action asserted that Rosan, Sr. et al. discloses "...a substantially planar head portion (16)...". Applicant respectfully submits that the head portion 16 is not planar. Rosan Sr. et al. provides that:

...the self-boring bushing 10 comprises a stud-like body 14 having a multi-sided head 16, herein shown as having a hexagonal configuration. Thus, any suitable wrench or wrench socket can be accommodated thereby.

Rosan, Sr. et al., column 3, lines 8-13. Applicant submits that if the head 16 were planar, one could not use the wrench or wrench socket to install it. Moreover, As can be seen in the Figures of Rudolph, the screw head is not planar. Thus, not only is there no teaching to combine and clear teaching away from each other by Rosan, Sr. et al. and Rudolph, even if one were to combine those disclosures, there is simply no teaching in either reference to make the head planar. It is not simply a design choice. Applicant submits that, absent Applicant's teaching, the Rudolph screw arrangement would not work if the head was planar – as there would be no way to use the insert in the manner taught in Rosan, Sr. et al..

Thus, for all of the foregoing reasons, a *prima facie* case of obviousness has not been established with respect to claims 1, 3-6 and 10-14 as amended herein. Claims 7-9 depend

from claim 1 and claims 12-14 also depend from claim 10. Each of those dependent claims are also seen to be patentable over Rosan, Sr. et al. and Rudolph for the foregoing reasons.

Claims 15-22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Rosan, Sr. et al., in view of Rudolph and further in view of U.S. Patent No. 3,285,551 to Tschanz ("Tschanz"). In particular, the Official Action provided:

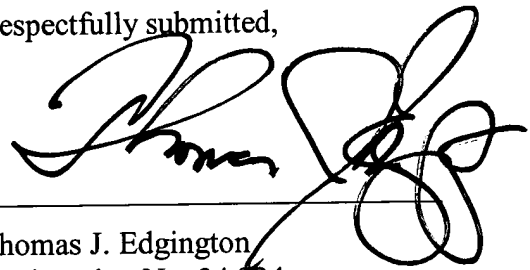
Rosan, Sr. et al. in view of Rudolph does not disclose a pre-existing hole in a structure for receiving the cable support. Tschanz discloses a structure (12) with a pre-existing aperture (14) for receiving the cable support. It would have been obvious to one of ordinary skill in the art at the time of the present invention to have utilized a pre-existing hole in a structure as taught by Tschanz, for facilitating the insertion of the cable support taught by Rosan, Sr. in view of Rudolph.

Page 4, Official Action. Claim 15 has been amended to recite "reinserting protrusions into the cavities in the head portion of the bushing and applying an installation force to the engagement protrusions to cause the bushing to be tightened into the hole in the structure while the cable protrudes outward through the passageway." As was discussed above, the adapter of Rudolph would not work if the cable extended out through the bushing of Rosan, Sr. et al., because the cable would prevent the insertion of the protrusions into the cavities in the head portion of the bushing. This reason applies with equal force to independent claim 22 and the claims that depend from independent claims 15 and 22. Accordingly, Applicant submits that claims 15-22 are seen to be patentable over the asserted combination of references.

IV. Conclusion

Applicant submits that all of the pending claims are in condition for allowance. Accordingly, reconsideration and passage to allowance of the subject application at an early date are earnestly solicited. If the undersigned can be of assistance in advancing the subject application to allowance, the Examiner may contact the undersigned at the telephone number set forth below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Thomas J. Edgington', written over a horizontal line.

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